NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA-000261-5

State of Washington
DEPARTMENT OF ECOLOGY
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008-5452

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

TODD PACIFIC SHIPYARDS CORPORATION
1801 16th Avenue SW
Seattle, Washington 98134

Facility Location:

1801 - 16th Avenue SW
Seattle, Washington 98134
King County

Receiving Water:

Elliott Bay, Class A Marine
Duwamish West Waterway, Class B Marine

Water Body I.D. No.:

WA-09-0010

Discharge Location:

Latitude: 47° 35' 17" N
Longitude: 122° 21' 18" W

Industry Type:

Ship Building, Repair and Conversion

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is authorized to discharge in accordance with the special and general conditions which follow.

Kevin C. Fitzpatrick
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

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GENERAL CONDITIONS

SUMMARY OF SCHEDULED PERMIT REPORT SUBMITTALS

Permit Section	Submittal	Frequency	First Submittal Date
S3.A.	Discharge Monitoring Report	Monthly	October 15, 2002
S3.E.	Noncompliance Notification	As necessary	With thirty (30) days after becoming aware of the violation
S4.A.	O & M Manual Annual Review Letter	Annually	August 31, 2004
S4.A.	Treatment System Operating Plan Update	As necessary	Within thirty (30) days after modification is completed
S5.A.	Engineering Report	1/permit cycle	March 15, 2003
S5.B.	Construction and Startup Notification	1/permit cycle	December 31, 2003
S6.A.	Effluent Mixing Study Plan	1/permit cycle	As necessary
S6.B.	Effluent Mixing Study	1/permit cycle	As necessary
S7.	Receiving Water and Effluent Study Plan	1/permit cycle	As necessary
S7.B.	Receiving Water Analysis	1/permit cycle	As necessary
S9.	Spill Plan	1/permit cycle, updates submitted as necessary	December 31, 2006
G7.	Application for Permit Renewal	1/permit cycle	December 31, 2006

SPECIAL CONDITIONS

S1.A. INTERIM EFFLUENT LIMITATIONS

I. Drydock Flood Water: Outfalls 001, 002, and 003

The drydock shall be free of debris prior to flooding the drydock and beginning on the effective date of this permit and lasting through no later than March 31, 2004, the Permittee is authorized to discharge drydock flood water from Drydocks No. 1 (Outfall 001), No. 10 (Outfall 002), and No. 3 (Outfall 003) subject to meeting the following limitations:

EFFLUENT LIMITATIONS: OUTFALLS # 001, 002, AND 003		
Parameter	**Average Monthly[a]**	**Maximum Daily[b]**
Oil and Grease	10 mg/L	15 mg/L
Turbidity	N/A	5 NTU above background[c]
[a] The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
[b] The maximum daily effluent limitation is defined as the highest allowable daily discharge.		
[c] If background turbidity is greater than 50 NTU, the turbidity of the drydock flood water shall not exceed a 10% increase over background.		

II. Stormwater Discharges: Outfalls 004 and 005

Beginning on the issuance date of this permit and lasting through no later than the startup of the stormwater treatment system selected through AKART analysis (the contaminated industrial stormwater collection and treatment system), or December 31, 2003, whichever is sooner, the Permittee is authorized to discharge stormwater from Outfall 004 and Outfall 005 (see Figure 2 in Fact Sheet for locations) subject to the following effluent limitations:

INTERIM EFFLUENT LIMITATIONS		
Parameter	**Average Monthly[a]**	**Maximum Daily[b]**
Outfalls # 004 and 005		
Oil and Grease	10 mg/L	15 mg/L
Turbidity	N/A	5 NTU above background
Total Suspended Solids	N/A	45 mg/L
Lead	N/A	221 µg/L
Outfall # 004		
Zinc (TR)	N/A	1995 µg/L
Copper (TR)	N/A	756 µg/L
Outfall # 005		
Zinc (TR)	N/A	1753 µg/L
Copper (TR)	N/A	1316 µg/L
TR means total recoverable		

[a] The average monthly limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
[b] The maximum daily effluent limitation is defined as the highest allowable daily discharge.
[c] If background turbidity is greater than 50 NTU, the turbidity of the stormwater shall not exceed a 10% increase over background.

S1.B. FINAL EFFLUENT LIMITATIONS

I. Pressure Wash Wastewater

Beginning on the issuance date of this permit, all discharges of hydroblast or pressure wash wastewater to Elliott Bay or the West Waterway are hereby prohibited.

II. Drydock Flood Water: Outfalls 001, 002, and 003

The drydock shall be free of debris prior to flooding the drydock and beginning on April 1, 2004, and lasting through the expiration date, Permittee is authorized to discharge drydock flood water from Drydocks No. 1 (Outfall 001), No. 10 (Outfall 002), and No. 3 (Outfall 003) subject to meeting the following limitations:

EFFLUENT LIMITATIONS: OUTFALLS #001, 002, & 003	
Parameter	**Maximum Daily[a]**
Oil and Grease	5 mg/L
Turbidity	5 NTU above background[b]
[a] The maximum daily effluent limitation is defined as the highest allowable daily discharge.	
[b] If background turbidity is greater than 50 NTU, the turbidity of the drydock flood water shall not exceed a 10% increase over background.	

III. Stormwater Discharges: Emergency Overflow (Outfall OA) from the Contaminated Industrial Stormwater Collection and Treatment System

Beginning upon the startup of the stormwater treatment system selected through AKART analysis (the Contaminated Industrial Stormwater Collection and Treatment System), and lasting through the expiration date of this permit, the Permittee is authorized to discharge stormwater from Outfall OA (see Figure 2) under Emergency Overflow Conditions, described below, subject to the effluent limitations listed in Table 7 below, and the bypass provisions in S4.B of this permit. The manual overflow valve shall be closed once the puddles have been drained, and/or the discharge to the sanitary sewer has occurred. The Permittee must obtain authorization to discharge from Seattle Public Utilities.
Emergency Overflow Conditions are defined as follows:

(1) When the first flush of a storm volume greater than the 10-year storm volume has been collected in on-site detention tanks and puddles that form in the catch basins due to automatic pump station shutdown when detention tanks are full, are either potentially damaging facility equipment and/or the health and safety of workers, or are observed to be nearing the condition where they threaten to flow over the edge of the facility into the surface water
(2) When the City of Seattle requests Todd's discharge to the sanitary to be ceased due to emergency situations that the City encounters.

EFFLUENT LIMITATIONS: EMERGENCY OVERFLOW (OUTFALL OA)	
Parameter	**Maximum Daily[a]**
Oil and Grease	5 mg/L
Turbidity	5 NTU above background[c]
Total Suspended Solids	45 mg/L
Copper (total recoverable)	5.78 µg/L[b]
Lead (total recoverable)	221 µg/L
Zinc (total recoverable)	95 µg/L[b]
[a]The maximum daily effluent limitation is defined as the highest allowable daily discharge.	
[b]If the Permittee is unable to meet the limits listed above for copper or zinc on a consistent basis, the Permittee may conduct the studies as outlined in Special Conditions S6 and S7 in order to set alternate final effluent limits. If the Department agrees to alternate final effluent limits, such limits will set forth in a major permit modification.	
[c]If this background turbidity is greater than 50 NTU, the turbidity of the overflow shall not exceed a 10% increase over background.	

S2. TESTING SCHEDULE

A. Drydock Discharges

The Permittee shall monitor the drydock flood water from Drydocks No. 1 (Outfall 001), No. 10 (Outfall 002), and No. 3 (Outfall 003) according to the following schedule:

Test	**Sampling Frequency[a]**	**Sample Type[b]**
Oil and Grease	1/quarter	Grab
Turbidity	1/quarter	Grab
Background Turbidity[c]	1/quarter	Grab
[a] Samples shall be collected once a month in each drydock, while the drydock is being flooded, in order to undock a vessel that has had hull work done. If there are no vessel undockings in a given month, this shall be clearly stated on that month's discharge monitoring report.		
[b] Grab samples of flood water shall be taken at the water surface as the drydock is lowered to launch the vessel and the water is between 3 and 6 feet above the drydock deck. The sampling location shall be in line with the end of the wingwall and approximately five feet out from the wingwall.		
[c] Background turbidity samples shall be taken from the apron of the drydock within one hour prior to flooding the drydock, or at another time and location agreed to by the Department.		

B. Stormwater Discharges

I. Stormwater Discharge From Outfall 004 and Outfall 005

For the period of time that the interim effluent limits listed in S1A.II apply, stormwater discharge from Outfall 004 and Outfall 005 shall be sampled according to the following schedule:

Test	Sampling Frequency	Sample Type[a]
Oil and Grease	1/month	Grab
Total Suspended Solids	1/month	Grab
Turbidity	1/month	Grab
Copper[b] (Total Recoverable)	1/month	Grab
Lead[c] (Total Recoverable)	1/month	Grab
Zinc[d] (Total Recoverable)	1/month	Grab
Background Turbidity[e]	1/month	Grab
Tin[f] (Total)	As necessary	Grab

[a] Samples shall be collected once a month at each outfall during the first hour of a storm event. If the outfall is submerged, the sample shall be taken at the intermediate catch basin, upstream of the outfall. The Permittee shall request permission to use data gathered after the first hour of the storm event if it is not possible to grab a sample in the first hour. If no discharge occurs in a given month, this fact shall be clearly stated on that month's discharge monitoring report.

After collecting twelve months of data, the Permittee may request in writing a reduction in monitoring frequency for those parameters that have consistently met the established effluent limits or have been undetected at the lowest detection limit available. If approved by the Department, the sample frequency shall be quarterly. During the quarterly monitoring period, if any effluent violations occur, the monitoring frequency shall revert to monthly until three consecutive months of compliance have been established. The monitoring frequency for background turbidity shall be the same as turbidity.

[b] The method detection level (MDL) for copper shall be 1 µg/L using graphite furnace atomic absorption spectrometry and method number 220.2 from 40 CFR Part 136. The quantitation level (QL) shall be no less than 5 µg/L (5 x MDL). The Permittee may request approval for an alternative procedure which will provide the same or a lower MDL and QL.

[c] The MDL for lead shall be no less than 1 µg/L using graphite furnace atomic absorption spectrometry and method number 239.2 from 40 CFR Part 136. The QL shall be no less than 5 µg/L (5 x MDL). The Permittee may request approval for an alternative procedure which will provide the same or a lower MDL and QL.

[d] The MDL for zinc shall be 2 µg/L using inductively coupled plasma and method number 200.7 from 40 CFR Part 136. The QL shall be 10 µg/L (5 x MDL). The Permittee may request approval for an alternative procedure which will provide the same or a lower MDL and QL.

[e] Background turbidity samples shall be taken at a location which is upstream from the facility which is representative of the water quality prior to any discharge from the shipyard and shall be representative of the background turbidity at the time the stormwater sample is taken.

[f] The Permittee shall monitor for total tin when work is done on a ship which contains tribytyltin bottom paint.

II. Stormwater Discharges: Emergency Overflow (Outfall OA) from the Contaminated Industrial Stormwater Collection and Treatment System

Emergency Overflow discharges to Outfall OA from the Contaminated Industrial Stormwater Collection and Treatment System shall be sampled according to the following schedule:

Test	Sampling Frequency	Sample Type[a]
Oil and Grease	1/month, as necessary	Grab
Total Suspended Solids	1/month, as necessary	Grab
Turbidity	1/month, as necessary	Grab
Copper[b] (total recoverable)	1/month, as necessary	Grab
Lead[c] (total recoverable)	1/month, as necessary	Grab
Zinc[d] (total recoverable)	1/month, as necessary	Grab
Background Turbidity[e]	1/month, as necessary	Grab
Tin[f] (total)	As necessary	Grab
[a] Samples shall be collected once a month at Outfall OA during the first hour after the Emergency Overflow valve has been opened. If the outfall is submerged, the sample shall be taken at the sampling spigot located in the valve manhole, upstream of the outfall. The Permittee shall request permission to use data gathered after the first hour of the storm event if it is not possible to grab a sample in the first hour. If no discharge occurs in a given month, this fact shall be clearly stated on that month's discharge monitoring report.		
[b] The method detection level (MDL) for copper shall be 1 µg/L using graphite furnace atomic absorption spectrometry and method number 220.2 from 40 CFR Part 136. The quantitation level (QL) shall be no less than 5 µg/L (5 x MDL). The Permittee may request approval for an alternative procedure which will provide the same or a lower MDL and QL.		
[c] The MDL for lead shall be no less than 1 µg/L using graphite furnace atomic absorption spectrometry and method number 239.2 from 40 CFR Part 136. The QL shall be no less than 5 µg/L (5 x MDL). The Permittee may request approval for an alternative procedure which will provide the same or a lower MDL and QL.		
[d] The MDL for zinc shall be 2 µg/L using inductively coupled plasma and method number 200.7 from 40 CFR Part 136. The QL shall be 10 µg/L (5 x MDL). The Permittee may request approval for an alternative procedure which will provide the same or a lower MDL and QL.		
[e] Background turbidity samples shall be taken at a location which is upstream from the facility which is representative of the water quality prior to any discharge from the shipyard and shall be representative of the background turbidity at the time the stormwater sample is taken.		
[f] The Permittee shall monitor for total tin when work is done on a ship which contains tributyltin bottom paint.		

C. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories,* Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be received no later than the 20th day of the month following the completed monitoring period, unless otherwise specified in this permit. Unless otherwise specified, all toxicity test data shall be submitted within sixty (60) days after the sample date. The report(s) shall be sent to the:

Department of Ecology
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008-5452

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.
3. Submit a detailed, written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been

corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Operations and Maintenance Manual

The Operations and Maintenance (O&M) Manual for the Contaminated Industrial Stormwater Collection and Treatment System shall be submitted to the Department for approval by March 15, 2004. The O&M Manual shall be reviewed by the Permittee at least annually and the Permittee shall confirm this review by letter to the Department. Substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the manual.

The approved Operations and Maintenance Manual shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this manual.

The O&M Manual includes:

1. Emergency procedures for system shutdown and cleanup in event of the contaminated industrial stormwater collection and treatment system upset or failure.

2. Plant maintenance procedures for areas of the facility that have the potential to contribute to surface water pollution.

The following information shall be summarized in the initial chapter of the O&M Manual. This chapter shall be entitled the “Treatment System Operating Plan.” For the purposes of this NPDES permit, a Treatment System Operating Plan (TSOP) is a concise summary of specifically defined elements of the O&M Manual. The TSOP shall not conflict with the O&M Manual and shall include the following information:

1. A baseline operating condition, which describes the operating parameters and procedures, used to meet the effluent limitations of S1.B.III at the production levels used in developing these limitations.

2. In the event of production rates, which are below the baseline levels used to establish these limitations, the plan shall describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting shall be described in the plan.

3. In the event of an upset, due to plant maintenance activities, severe stormwater events, start ups or shut downs, or other causes, the plan shall describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting shall be described in the plan.

4. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

An updated Treatment System Operating Plan shall be submitted to the Department whenever changes or updates are incorporated into the manual. This plan shall be updated and submitted, as necessary, to include requirements for any major modifications of the treatment system.

B. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

   Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

2. Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

   This bypass is permitted only if:

   a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

   b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.

   c. The Department is properly notified of the bypass as required in condition S3.E of this permit.

3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

   The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of Water Quality Standards as provided for in WAC 173-201A-110, if an exceedance of any Water Quality Standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

   For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.

b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.

c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S5. COMPLIANCE SCHEDULE

The Permittee shall achieve compliance with the effluent limitations in accordance with the following schedule:

By December 31, 2003, the construction of the stormwater treatment system selected through AKART analysis (the Contaminated Industrial Stormwater Collection and Treatment System) shall be completed and operational.

S6. EFFLUENT MIXING STUDY

If, after completion of Special Condition S5, above, the Permittee is unable to meet the final effluent limits of S1.B.III, based on Water Quality Marine Acute Criteria for Copper and zinc, on a consistent basis, the Permittee shall conduct the following Effluent Mixing Study.

A. General Requirements

The Permittee shall determine the degree of effluent and receiving water mixing which occurs within the mixing zone. The degree of mixing shall be determined during critical conditions, as defined in WAC 173-201 A-020 Definitions – "Critical Condition," or as close to critical conditions as reasonably possible.

The critical condition scenarios shall be established in accordance with *Guidance for Conducting Mixing Zone Analyses* (Ecology, 1996). The dilution ratio shall be measured in the field with dye using study protocols specified in the *Guidance,* section 5.0 "Conducting a Dye Study," as well as other protocols listed in subpart C. Protocols. The use of mixing models is an acceptable alternative or adjunct to a dye study if the critical ambient conditions necessary for model input are known or will be established with field studies; and if the diffuser is visually inspected for integrity or has been recently tested for performance by the user of tracers. The *Guidance* mentioned above shall be consulted when choosing the appropriate model. The use of models is also required if critical condition scenarios that need to be examined are quite different from the set of conditions present during the dye study.

Validation (and possibly calibration) of a model may be necessary and shall be done in accordance with the *Guidance* mentioned above, in particular, subsection 5.2 "Quantify Dilution." The resultant dilution ratios for acute and chronic boundaries shall be applied in accordance with directions found in Ecology's *Permit Writer's Manual* (Ecology Publication 92-109, most current version), in particular, Chapter VI.

An Effluent Mixing Study Plan shall be submitted to the Department not later than two months after the Department determines that permitted stormwater discharges to surface waters, if any, do not consistently meet the Water Quality Marine Acute Criteria for copper and zinc.

Compliance with this condition does not relieve the Permittee of the duty to comply with all other permit conditions.

B. Reporting Requirements

If the Permittee has information on the background physical conditions or background concentration of chemical substances (for which there are criteria in Chapter 173-201A WAC) in the receiving water, this information shall be submitted to the Department as part of the Effluent Mixing Report.

The results of the Effluent Mixing Study shall be included in the Effluent Mixing Report, which shall be submitted to the Department for approval no more than three (3) months after the above plan (S5.A) is completed.

If the results of the mixing study and chemical analysis indicate that the concentration of any pollutant(s) exceeds or has a reasonable potential to exceed the State Water Quality Standards, Chapter 173-201A WAC, the Department may issue a regulatory order to require a reduction of pollutants or modify this permit to impose effluent limitations to meet the Water Quality Standards.

The Permittee shall use some method of fixing and reporting the location of the outfall and mixing zone boundaries (i.e., triangulation off the shore, microwave navigation system, or using Loran or Global Positioning System [GPS] coordinates). The method of fixing station location and the actual station locations shall be identified in the report.

C. Protocols

The Permittee shall determine the dilution ratio using protocols outlined in the following references, approved modifications thereof, or by another method approved by the Department:

- Akar, P.J. and G.H. Jirka. 1990. *Cormix2: An Expert System for Hydrodynamic Mixing Zone Analysis of Conventional and Toxic Multiport Diffuser Discharges.* USEPA Environmental Research Laboratory, Athens, GA, Draft, July 1990.
- Baumgartner, D.J., W.E. Frick, P.J.W. Roberts, and C.A. Bodeen, *Dilution Models for Effluent Discharges,* USEPA, Pacific Ecosystems Branch, Newport, OR, 1993.
- Doneker, R.L. and G.H. Jirka, *Cormix1: An Expert System for Hydrodynamic Mixing Zone Analysis of Conventional and Toxic Submerged Single Port Discharges,* USEPA, Environmental Research Laboratory, Athens, GA. EPA/600-3-90/012, 1990.
- Ecology, *Permit Writer's Manual*, Water Quality Program, Department of Ecology, Olympia, WA 98504, July 1994, including most current addenda.
- Ecology, *Guidance for Conducting Mixing Zone Analyses*, Permit Writer's Manual, (Appendix 6.1), Water Quality Program, Department of Ecology, Olympia, WA 98504, October 1996.
- Kilpatrick, F.A., and E.D. Cobb, Measurement of Discharge Using Tracers, Chapter A16, *Techniques of Water-Resources Investigations of the USGS, Book 3, Application of Hydraulics*, USGS, U.S. Department of the Interior, Reston, VA, 1985.
- Wilson, J.F., E.D. Cobb, and F.A. Kilpatrick, Fluorometric Procedures for Dye Tracing, Chapter A12, *Techniques of Water-Resources Investigations of the USGS, Book 3, Application of Hydraulics*, USGS, U.S. Department of the Interior, Reston, VA, 1986.

S7. RECEIVING WATER AND EFFLUENT STUDY

If the Permittee conducts an effluent mixing study as described in S6 of this permit, the receiving water and effluent study shall be conducted simultaneously. This study shall be submitted to the Department no later than three (3) months after the Department determines that the permitted stormwater discharges exceed the Water Quality Criteria. The Department will use this information to calculate effluent limits. All sampling and analysis shall be conducted in accordance with the guidelines given in *Guidelines and Specifications for Preparing Quality Assurance Project Plans*, Ecology Publication 91-16.

Compliance with this condition does not relieve the Permittee of the duty to comply with all other permit conditions.

A. Effluent Analysis

The Permittee shall analyze the stormwater discharge in accordance with S2. One of the sample times shall coincide with the receiving water study. All chemical analysis for metals must use the methods given in 40 CFR, Part 136, and be reported as total recoverable. The detection levels used for the analysis must be:

POLLUTANT PARAMETER	MAXIMUM DETECTION LIMIT REQUIRED
Copper	1.0 µg/L
Lead	1.0 µg/L
Zinc	2.0 µg/L

The Permittee should use the clean sampling guidance for collection of metals samples.

B. Receiving Water Analysis

The Permittee shall sample and analyze the receiving water for hardness and salinity. The following metals shall be analyzed for both total recoverable and dissolved: arsenic, lead, zinc, and copper. The time of sampling shall be as close as possible to the time of critical period. The Permittee shall follow the clean sampling techniques (*Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels,* EPA Publication No. 821-R-95-034, April 1995). The sampling station accuracy requirements are ± 20 meters. The receiving water sampling location should be outside the zone of influence of the effluent. The Department considers ten (10) receiving water samples to be the optimal data set and four (4) to be the minimum for determining reasonable potential to cause a violation of the Water Quality Standards. All chemical analysis shall be conducted according to methods given in 40 CFR, Part 136, and shall have the following detection levels:

POLLUTANT PARAMETER	MAXIMUM DETECTION LIMIT REQUIRED
Copper	1.0 µg/L
Lead	1.0 µg/L
Zinc	2.0 µg/L

Any subsequent sampling and analysis shall also meet these requirements. The Permittee may conduct a cooperative receiving water study with other NPDES Permittees discharging in the same vicinity.

S8. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material including but not limited to sandblast grit and other debris or waste on drydocks or facility grounds, in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

S9. SPILL PLAN

The Permittee shall submit to the Department an update to the existing Spill Control Plan with the permit reapplication required in General Condition G7.

The Spill Control Plan shall address the prevention, containment, and control of spills or unplanned discharges of: 1) oil and petroleum products, 2) materials, which when spilled, or otherwise released into the environment, are designated Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or 3) other materials which may become pollutants or cause pollution upon reaching state's waters. The Permittee shall review and update the Spill Plan, as needed, at least annually. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The updated Spill Control Plan shall include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals required by 40 CFR Part 112, and contingency plans required by chapter 173-303 WAC may be submitted.

S10. BEST MANAGEMENT PRACTICES

A. Control of Large Solid Materials

Floatable and low density waste, such as wood, plastic and miscellaneous trash (such as paper, insulation, and packaging), shall be removed from the drydock floors prior to flooding.

B. Control and Cleanup of Paint Dust and Abrasive Blasting Debris

Dust and overspray shall be confined to the shipyard repair and construction areas to the maximum extent feasible during abrasive blasting and spray painting of vessels and modules, and other activity that has a potential to result and release of significant quantity of dust and airborne pollutants to waters of the state. Feasible methods of control include conducting the work in a special sandblast/spray paint shed, or plastic barriers around the vessel. Plastic barriers hung from the vessel, or temporary structures around the vessel, should be secure and arranged to prevent the fugitive emissions of abrasive grit and dust, as well as effectively capture overspray from spray painting activities. The bottom edge of tarpaulins and plastic sheeting shall be weighted or fastened to remain in place during a light breeze.

Consideration shall also be given to other feasible innovative procedures as appropriate to improve the effectiveness of controlling dust emissions and paint overspray. Such innovative methods may include wet abrasive blasting (slurry blasting), product substitution for blasting media, e.g., sodium bicarbonate, or overall waste minimization and recycling, e.g., the use of vacuum return sandblasting heads or steel shot blast technology.

No abrasive blasting or spray painting of vessels shall be performed while vessels are docked pier-side such that material is discharged to the receiving water.

Cleanup of spent paint, paint chips, protective coating materials and abrasive grit shall be undertaken as part of the repair or production activities in order to prevent their entry into state waters.

Vessels shall be set on the drydock ways to afford accessibility to the floor of the drydock beneath the vessel for collection of spent abrasive. The drydock shall be cleaned of spent sand blast grit and debris prior to launching a vessel. Cleaning shall be accomplished with manual or mechanical sweeping with vacuuming to remove fine grit and debris into the receiving water.

The flooding and sinking of drydocks with standing piles of spent abrasive on the drydock floor is prohibited.

Photographs shall be taken and maintained in a logbook to demonstrate the condition of the drydock floor prior to launching a vessel. Documentation accompanying the photographs shall include the name of the vessel, the drydock number, the date the vessel was launched, the date the photograph was taken, and the name of the photographer. A videotape that documents the same information may be used in place of a photograph collection.

The yard shall be cleaned with either sweeping or vacuuming as often as it requires to minimize the possibility that stormwater runoff will carry sandblasting grit or other debris into the receiving water. Collected sandblasting debris shall be stored under cover in a designated area with the spent abrasive grit. Innovations and procedures which improve the effectiveness of cleanup operations shall be adopted where they are feasible, appropriate and can be demonstrated as preventing the discharge of solids to water.

C. In-Water Vessel Maintenance – Surface Preparation BMPs

The cleaning of any portion of a vessel's hull below the waterline while the vessel is afloat is prohibited.

The following types of surface preparation activities are allowed to be conducted on a vessel's hull above the waterline while it is at a permitted shipyard facility. These activities are only allowed provided that containment and collection BMP measures are in effect to prevent the introduction of dust, dirt, debris, or any other pollutants generated from these surface preparation operations from being deposited on or entering into waters of the state:

- Mechanical hand preparation, such as scraping or wire brushing;
- Conventional mechanical grinding or use of other powered mechanical abrading tools;
- Innovative abrasive blasting systems or ultra-high water pressure systems for surface preparation will be allowed to be conducted on a vessel's hull while it is in the water provided that it has been demonstrated before-hand to Department of Ecology's satisfaction that such methods do not release generated pollutants into waters of the state.

In-Water Vessel Maintenance – Paint and Coating Application BMPs:

The following methods of paint and coating applications to a vessel's hull while in the water at a NPDES permitted shipyard are allowed provided that all containment, collection, and spill prevention BMPs are in place before any such applications are made to a vessel's hull:

- Application by roller;
- Application by brush;
- Innovative spray-paint or spray-coating application methods will be allowed to be conducted on a vessel's hull while it is in the water provided that it has been demonstrated before-hand to Department of Ecology's satisfaction that such methods do not release generated pollutants into the waters of the state.

BMPs for Floats used for In-Water Vessel Maintenance:

Floats are defined as free-floating, unattached work platforms capable of moving back and forth along the length of the ship and around its hull.

Floats shall at all times maintain a minimum of 1" of freeboard at the floats lowest point during all phases of maintenance operations. The minimum 1" freeboard requirement must be maintained with all scaffolding configurations and number of persons on board the float. All necessary precautions will be taken by personnel on board the float to prevent paints, cleaning materials, petroleum products, all other liquids and unsecured materials from entering into the water from the float.

Any container of paint, marine coating or any other liquid product for painting or surface preparation of one gallon or greater must be provided with secondary containment when used on board a float. All roller pans used on a float must be provided with secondary spill containment. Secondary spill containment capacity is equal to the entire volume of the container plus 10% of the volume of that same container.

Documentation Requirements for In-Water Vessel Maintenance BMPs:

Documentation requirements will be in effect for any in-water surface preparation operations of one hour or more in duration and any in-water coating or painting operation involving ½ gallon or more of paint or marine coating.

Documentation requirements will consist at a minimum of one or more representative photographs of all in-water vessel maintenance BMPs which are implemented for surface preparation operations and all painting and coating operations. All such photographs shall be dated and maintained in a logbook with all necessary descriptive narrative of the in-water vessel maintenance BMPs being documented. These records shall be made available to a Department of Ecology inspector upon request and will be retained on site for at least three (3) years.

D. Oil, Grease, and Fuel Spills Prevention and Containment

No discharge of oil, other hazardous material, or paint to state waters is allowed, except as specifically authorized by this permit. Oil, grease, fuel, or paint spills shall be prevented from reaching drainage systems or surface waters. Cleanup shall be carried out promptly after an oil, grease, fuel or paint spill is detected. Oil containment booms and adsorbents shall be conveniently stored so as to be immediately deployable in the event of a spill. Yard production personnel shall be trained in shipyard best management practices and basic spill response practices and whom to notify should an accidental discharge of oil or hazardous material occur at the shipyard. The Permittee shall designate a spill response team to be responsible for, and specifically trained in, the use and deployment of cleanup equipment.

In the event of an accidental discharge of oil or hazardous material into waters of the state or onto land with a potential for entry into state waters, the Department's Northwest Regional Office Spill Response Section and the United States Coast Guard shall be notified immediately.

1. Cleanup efforts shall commence immediately and be completed as soon as possible, taking precedence over normal work, and shall include proper disposal of spilled material and used cleanup material.

2. Cleanup of oil or hazardous material spills shall be in accordance with an approved Spill Control Plan, or according to specific instructions of an on-scene coordinator.

3. No emulsifiers or dispersants are to be used in or upon the waters of the state without prior approval from the Director of the Department of Ecology. Drip pans or other protective devices shall be required for all oil transfer operations to catch incidental spills and drips from hose nozzles, hose racks, drums or barrels. Oils and fuel storage tanks shall be provided with secondary containment.

E. Paint and Solvent Use and Containment

The mixing of paints and solvents shall be carried out in locations and under conditions such that no spill shall enter state waters.

1. Drip pans or other protective devices shall be required for all paint mixing and solvent transfer operations, unless the mixing operation is carried out in covered and controlled areas away from storm drains, surface waters, shorelines, and piers. Drip pans, drop cloths, or tarpaulins shall be used wherever paints and solvents are mixed on wood docks. Paints and solvents shall not be mixed on floats.

2. When painting from floats or near storm drains, paint shall be in cans of five gallons or less. The paint containers shall be kept in drip pans with drop cloths or tarpaulins underneath the drip pans.

3. Paint and solvent spills shall be treated as oil spills and shall be prevented from reaching storm drains and subsequent discharge into the water.

F. Contact Between Water and Debris

Shipboard cooling and non-contact cooling water shall be directed as to minimize contact with spent abrasives, paint chips, and other debris. Contact between spent abrasives or paint chips and water will be reduced by proper segregation and control of wastewater streams. Appropriate methods shall be incorporated to prevent accumulation of debris in drainage systems and debris shall be promptly removed to prevent its discharge with stormwater.

G. Maintenance of Hoses, Soil Chutes, and Piping

Leaking connections, valves, pipes, hoses, and soil chutes carrying either water or wastewater shall be replaced or repaired immediately. Soil chute and hose connections to vessels and to receiving lines or containers shall be tightly connected and as leak free as practicable.

H. Bilge and Ballast Water

Bilge and ballast water discharges shall not exceed an oil and grease concentration of 10 mg/L and shall not cause any visible sheen in the receiving waters. Monitoring shall be conducted prior to discharge and the results shall be made available upon request.

Bilge and ballast water shall not be discharged to state waters if solvents, detergents, or other known or suspected additives or contaminants have been added, unless a state water quality variance or modification has been granted specific to that instance.

Yard operators are to encourage vessel owners/operators to de-ballast prior to yard repair periods. Oily bilge waters from machinery or pump room spaces are prohibited from discharge to state waters and must be handled accordingly by a waste oil hauler or tank cleaning service.

I. Chemical Storage

Solid chemicals, chemical solutions, paints, oils, solvents, acids, caustic solutions and waste materials, including used batteries, shall be stored in a manner which will prevent the inadvertent entry of these materials into waters of the state, including ground water. Storage shall be in a manner that will prevent spills due to overfilling, tipping, or rupture. In addition, the following practices shall be used:

1. All liquid products shall be stored on durable impervious surfaces and within bermed containment capable of containing 110% of the largest single container in the storage area.

2. Waste liquids shall be stored under cover, such as tarpaulins or roofed structures. All waste storage areas, whether for waste oil or hazardous waste, shall be clearly designated as such and kept segregated from new product storage.

3. Incompatible or reactive materials shall be segregated and securely stored in separate containment areas that would prevent the inadvertent mixing and reaction of spilled chemicals.

4. Concentrated waste or spilled chemicals shall be transported off-site for disposal at a facility approved by the Department of Ecology or appropriate county health authority in accordance with the solid waste disposal requirements of Special Condition S7. These materials shall not be discharged to any sewer or state waters.

J. Recycling of Spilled Chemicals and Rinse Water

Any intercepted chemical spill shall be recycled back to the appropriate chemical solution tank or cleaned up and properly disposed of. The spilled material must be handled, recycled, or disposed of in such a manner as to prevent its discharge into state waters.

K. Identification of Pollutant Sources

The Permittee shall endeavor to identify the sources of pollutants which have not been adequately controlled by the other BMPs of this permit. A sampling and analysis strategy shall be followed which will isolate areas and practices where residual pollutant levels originate that may cause violations of the permit limits. Concentrations of residual pollutants shall be tracked upstream of the discharge point until the sources have been identified.

L. Education of Employees, Contractors, and Customers

To facilitate the consistent and effective implementation of the BMPs described above, the Permittee shall develop a program for training its employees, and all contractors who work at the facility, on BMPs and the environmental concerns related to this permit. There are a variety of ways to accomplish this and the Permittee should determine the method that works best for the company. For example, regular safety meetings may be a convenient time to discuss BMP implementation successes or problems and get input on better ways of accomplishing pollution prevention. The Permittee may consider providing similar information to its customers.

M. Sewage and Gray Water Discharges Prohibited

Owners of vessels in the drydocks or under repair dockside shall be notified in writing by the Permittee that federal and state regulations prohibit the discharge of sewage and gray water into the waterways. If untreated sanitary wastes from vessels must be discharged, the discharge shall be to either the sanitary sewer or into holding tanks that are periodically emptied into a sanitary sewer system. The Permittee will make available at all times a list of contractors providing disposal services and any other alternatives available for complying with these regulations, such as holding tanks and pump-out facilities.

S11. STORMWATER POLLUTION PREVENTION PLAN

The Permittee shall submit to the Department an update to the existing Stormwater Pollution Prevention Plan (SWPPP) with the permit reapplication required in General Condition G7.

The Permittee shall modify the existing SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) weeks if such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least thirty (30) days in advance of implementing the proposed changes in the plan unless the Department approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Department.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.
2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
3. A material change in quantity or type of waste disposal.
4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR, Part 122.64(3)].
5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR, Part 122.64(4)].
6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:

1. A material change in the condition of the waters of the state.

2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.

5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR, Part 122.62.

6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.

7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.

2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports whenever a material change to the facility or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least one hundred eighty (180) days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date.

2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.

3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be re-suspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars ($10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars ($10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16 UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
1) an upset occurred and that the Permittee can identify the cause(s) of the upset;
2) the permitted facility was being properly operated at the time of the upset;
3) the Permittee submitted notice of the upset as required in condition S3.E; and
4) the Permittee complied with any remedial measures required under S4 of this permit.

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two (2) years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G22. REPORTING ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G23. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G24. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels":

1. One hundred micrograms per liter (100 µg/l).

2. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.

3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels":

1. Five hundred micrograms per liter (500 µg/l).

2. One milligram per lier (1 mg/L) for antimony.

3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

G25. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.